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EXAMINER				
AGWUMEZIE, CHARLES C				
ART UNIT		PAPER NUMBER		
3685				
NOTIFICATION DATE		DELIVERY MODE		
12/18/2008		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

09/898,896

Applicant(s)

HABER ET AL.

Examiner

CHARLES C. AGWUMEZIE

Art Unit

3685

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 October 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2, 4-12 and 14-42 is/are pending in the application.
- 4a) Of the above claim(s) 24-42 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2, 4-12, and 14-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 December 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-543)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 1/17/03: 07/11/08
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Art Unit: 3685

DETAILED ACTION

Acknowledgment

1. Applicants' amendment filed October 22, 2008 is acknowledged. Accordingly claims 2, 4-12, 14-23, and 24-42 remain pending.

Response to Arguments

2. Applicant's arguments filed October 22, 2008 have been fully considered but they are not persuasive.
3. With respect to **claim 2**, Applicant argues that Walker, Mehrotra and Sheets', which were the only references supporting the rejection of independent claim 2, either individually or in combination fail to teach or suggest all of the limitations of independent claim 2 and therefore do not render obvious that independent claim or any of the remaining claims that depend therefrom. Specifically that Walker, Mehrotra and Sheets' do not teach or disclose "the collaboration agent to provide the users with a list of options reflecting available product inventory selected so as to guarantee a user selecting at least one of the options from the list at least one result from the available product inventory."

In response, Examiner respectfully disagrees and submits that Sheets' does disclose "the collaboration agent to provide the users with a list of options reflecting available product inventory selected so as to guarantee a user selecting at least one of the options from the list at least one result from the available product inventory." In

Art Unit: 3685

sheets' the customer specifies the particular products that the customer desires. Sheets' made it clear that the processor (collaborative agent) finds the most relevant products for the customer and "after finding these products, the system will rank the products based on any low priority fields in the deal record. For example, a customer may specify that his high priority options are General Motors sedan-type vehicles with air-conditioning, less than 50,000 miles and priced less than \$10,000 dollars; the customers may further specify that his low priority options are red automobiles with cd player, leather upholstery, and automatic windows. If a search is run for this customer all GM sedans with AC, less than 50,000 miles and priced less than \$10,000 (the high priority items) will be returned from the search in the vehicles available report. The vehicles available report will rank the results by placing all the red automobiles with cd player, leather upholstery and automatic windows (the low priority items) at the top of the list of automobiles in the vehicles available report. Products missing only one of the low priority items will be next on the list, followed by products missing two of the low priority items, and so on..." According to the quoted paragraph above, the returned results are based on list of options reflecting only available product inventory as claimed with (1) one option being "low priority items", (2) another option being "products missing only one of the low priority items", (3) products missing two of the low priority items and so on. In order words, Sheets does not only provide the user or customer with information specified by the customer but instead goes on to recommend or suggest related configuration or options available within the available

Art Unit: 3685

product inventory. The customer has the options to choose from the high priority to the low priority available products printed on the vehicles available report. It is Examiner's position that processor (collaborative agent) provides the user with a list of options reflecting available product inventory as claimed. Thus Sheets does teach providing the users with a list of options reflecting available product inventory selected so as to guarantee a user selecting at least one of the options from the list at least one result from the available product inventory. Accordingly, Examiner submits that the combination of Walker, Mehrotra, and Sheets' teach or suggest all of the elements of the present Applicant's independent claim 2 and all the claims dependent from claim 2.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 2, 4-12, 14-23**, are rejected under 35 U.S.C. 103(a) as being obvious over U.S. Patent No. 5,794,207 to Jay S. Walker in view of the applicant's own admission of the prior art in the Back Ground (paragraphs [0002]-[0005]) and Mehrotra et al U.S. Patent Application Publication No. 2003/0167222 A1 and further in view of Sheets U.S. Patent Application Publication No. 2001/0049653 A1.

Art Unit: 3685

6. As per claims 2, 4, and 14, Walker clearly teaches an apparatus comprising:

a collaboration engine (fig. 1; ...central controller...);

control logic communicatively connected to the collaboration engine, wherein the control logic selectively invokes an instance of one or more features of the collaboration engine in response to commands received by the control logic (see figs. 1-4 and associated text; col. 8, line 28-col. 9, line 51; col. 12, line 54-68);

a network interface (see figs. 1-4);

memory (figs. 1-4);

management applications communicatively connected to the control logic a storage medium to store a plurality of collaboration rules; and a collaboration agent, to provide an interface through which digitally disparate sellers, dealers and/or manufacturers agree to selectively participate in commercial transactions for requesting users, and to enable each of the sellers, dealers and/or manufacturers to define terms and conditions under which they selectively participate with one another to facilitate commercial collaboration between these otherwise digitally disparate providers (See Walker figures 1-4 and associated text, column 10, lines 8-56)

7. Walker further does not explicitly teach

to provide, at least in part, product inventory information from participating sellers, dealers and/or manufacturers including, at least, provider-specific product attributes;

Art Unit: 3685

the collaboration agent to provide the users with a list of options reflecting available product inventory selected so as to guarantee a user selecting at least one of the options from the list at least one result from the available product inventory.

8. Mehrotra et al discloses to provide, at least in part, product inventory information from participating sellers, dealers and/or manufacturers including, at least, provider-specific product attributes (0041, which discloses general attributes of products with the product space...; 0054, which discloses that the customer is presented with a current virtual database of available products with pricing set with using merchandizing rules established by the dealer, supplier and the portal merchandiser);
9. Sheets discloses the collaboration agent to provide the users with a list of options reflecting available product inventory selected so as to guarantee a user selecting at least one of the options from the list at least one result from the available product inventory (0025;determine which products which most closely match...; 0026; ...and particular product options...).

Accordingly, it would have been obvious to one of ordinary skill in the art at time of applicant's invention to modify the method of Walker et al and incorporate the to provide, at least in part, product inventory information from participating sellers, dealers and/or manufacturers including, at least, provider-specific product attributes; the collaboration agent to provide the users with a list of options reflecting available product inventory selected so as to guarantee a user selecting at least one of the options from the list at least one result from the available product inventory in view of the teachings of

Art Unit: 3685

Mehrotra and Sheets respectively since the claimed invention is merely a combination of old elements and in the combination each element would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

10. As per **claim 6**, Walker teaches all the limitations of claim 5, further, Walker teaches the user interface applications further comprises a GUI interface.

11. As per **claim 9**, Walker teaches all the limitations of claim 3, further the memory comprises:

a rules data element; and a search/transaction history data element (See Walker column 12, lines 54-68, column 13, lines 59-62, column 18, lines 14-55).

12. As per **claim 10**, Walker teaches all the limitations of claim 9, wherein the memory further comprises volatile or non-volatile memory (See Walker column 12, lines 3-7 and lines 54-68).

13. As per **claims 21-23**, Walker teaches all the limitations of claim 7, further comprising a collaboration rules database which, when invoked by the search rules engine, identifies and divides collaboration partners into preferential tiers based, at least in part on the collaboration rules (See walker column 13, lines 30-62, column 19, lines

Art Unit: 3685

29-44), a seller identification field; and a collaboration partner identification field (See Walker column 2, lines 16-26, column 7, line 66-column 8, line 2, column 13, lines 11-62, column 19, lines 29-44).

14. As per **claim 5**, Walker teaches all the limitations of claim 2, wherein the collaboration agent further comprises:

statistical tool applications; report generation tool applications; and user interface applications (See Walker column 12, lines 54-68 and column 13, lines 59-62).

What is not clear in Walker is a comprehensive reporting details. However, it would have been obvious to one having ordinary skill in the art at the time the current invention was made to utilize enhanced methods and systems of reporting and statistical analysis of data collected in a database for expanded understanding of the systems performance in a business environment as well as enhanced knowledge of the volume or any other aspects of conducted transactions.

15. As per **claims 7-8, and 17-20** Walker teaches all the limitations of claim 3, further the collaboration agent further comprises:

a database manager to populate and manage information resident within associated databases; a search rules engine for searching data structures; and a data translator (See Walker figure 8, column 12, lines 54-68, column 18, lines 44-60). What is not specific by Walker teaching is the data translator. However, it would have been

Art Unit: 3685

obvious to one having ordinary skill in the art at the time the current invention was made to know that and it would be essential in order to display the information on a GUI such as a browser on internet, one has to translate XML data and HTML codes collected from a database via a server. Or even if there is a CGI script to collect information and display it in a GUI such as a browser it would be essential to translate the information.

Additionally data integration and translation of common data in disparate computer location and synchronization and transfer of such data from one computer to another is well known in the art. It is a common practice to use EDIs or APIs to move data from one database to another and utilizing these applications to manage the dissimilarity of type of the data. For example U.S. Patent No. 4,714,995 to Anthony Materna is clearly teaching the integration of different data in separate databases. However, it would have been obvious to one having ordinary skill in the art at the time the current invention was made to have the utility of data translation for consistency of the data among disparate computer systems with common data elements for better efficiency and integrity of the data collected.

16. As per claims 11 and 15, Walker teaches all the limitations of claims 2 and 7, the storage medium further comprises:

a consolidated inventory database; and a product identification database is a well-known practice in the art. Patent Publication No. US2002/0083077A1 to David Vardi clearly demonstrates the consolidation of databases is well-known and old

Art Unit: 3685

practice in the art. Therefore, it would have been obvious to one having ordinary skill in the art at the time the current invention was made to include the well known practice of such consolidation of collected data includes standardization, consolidation or correlation of the information gathered from different sources and supplies it to an analyzer and report generator that provides the information to a user in a format that is easier to use.

17. As per **claim 12**, Walker teaches all the limitations of claim 11, further the storage medium is located externally from the collaboration agent (See Walker Figures 1-8).

18. As per **claim 16**, Walker teaches all the limitations of claim 7, further the database manager further comprises a data management function which, when invoked, enables a user to modify product attribute information. The function of the management interface is an essential and integral part of any common database management system in order to control, access, and manage the data base tables as well as data collected. As it can be seen in the examples of the Patent Publication No. US2002/0083077A1 to David Vardi. Therefore, it would have been obvious to one having ordinary skill in the art at the time the current invention was made to make such interface to access the data elements as well as for maintenance of the database

Art Unit: 3685

system to have such an interface for added control and enhancement of data tables and collected data within them.

Conclusion

19. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art ad are applied to the specific limitations within the individual claim, other passages and figures

Art Unit: 3685

may apply as well. It is respectfully requested that the applicant, in preparing the responses, fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles C. Agwumezie whose number is **(571) 272-6838**. The examiner can normally be reached on Monday – Friday 8:00 am – 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Fischer can be reached on **(571) 272 – 6779**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Charlie C. Agwumezie/
Primary Examiner, Art Unit 3685
December 13, 2008

Art Unit: 3685